

# Memorandum



**Date:** June 5, 2007

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George W. Burgess  
County Manager

**Subject:** First Amendment to a Joint Participation Agreement Between Miami-Dade County and the City of Aventura in the Amount of \$1,430,163.58 to Fund Construction of the Miami Gardens Drive Connector

Agenda Item No. 8(P)(1)(C)

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing execution of a First Amendment to a Joint Participation Agreement (JPA) between Miami-Dade County and the City of Aventura (the City) for the construction of a new four-lane roadway to extend Miami Gardens Drive, from Biscayne Boulevard to the western terminus of the property line of the Aventura Landings Development (the Landings). The Amendment provides an additional \$1,430,163.58 in Charter County Transit System Sales Surtax (the Surtax); therefore, approval by the Citizens' Independent Transportation Trust (CITT) is required.

## **SCOPE**

The easterly extension of Miami Gardens Drive will enhance traffic flow and address concerns related to the intensity of traffic resulting from the continuing growth within the City of Aventura. The project is entirely located within the City of Aventura, in Commission District 4.

This project has been a component of the County's surface transportation plan for many years, predating the formation of the City of Aventura. City leaders worked closely with the County and the Landing's developers to devise a plan incorporating the participation of all three parties (the Landings, the City and the County) in this effort. The resulting arrangement provided that the Landings furnish design plans for the entire extension of Miami Gardens Drive, from Biscayne Boulevard to NE 28 Court. The actual construction of the roadway was divided into two segments. The Landings is responsible for the construction of the extension within their property, which runs west of NE 28 Court for approximately 454 linear feet. The County and the City entered into the JPA to construct the portion from the western terminus of the property line of the Landings, east to Biscayne Boulevard.

## **FISCAL IMPACT/FUNDING SOURCE**

The total cost of the County and City's portion of the project is \$2,556,206.20, with the inclusion of a 15% contingency. The City's share of funding responsibility for this portion is \$560,035.62; the County's responsibility is \$1,996,170.58 and will be funded as follows; \$566,007.00 will be funded from Road Impact Fee (RIF) District 3, and the remaining \$1,430,163.58 will be funded from the Surtax.

## **TRACK RECORD/MONITOR**

The County will utilize the resources of the City to contract, construct and administer the project on a reimbursable basis. Disbursement of County funds to the City shall be based upon City invoices with

certified copies of paid contractor estimates attached. The project will be assigned to Octavio Marin, P.E., Chief, Construction Division, who will oversee inspections conducted by Public Works Department (PWD) staff before the release of funds is recommended.

### **BACKGROUND**

The project was originally included in the 1994 Transportation Improvement Program (TIP) under RIF District 3. In addition, the project was later incorporated in the original People's Transportation Plan (PTP) Ordinance, under Board Requested Projects in Commission District 4.

On September 8, 2005, the BCC approved the subject JPA under Resolution No. R-1030-05. Based on the City's estimate, the JPA provided the City with reimbursement of up to \$566,007.00 from RIF District 3 revenues for the County's share of construction costs. In order to prioritize the use of RIF funds, PTP funds were not allocated at that time.

On June 12, 2006, bids were received by the City and the lowest acceptable bid for the project was \$2,222,788.00, which included \$486,987.50 for the enhanced elements that the City is responsible for. This left \$1,735,800.50 in project costs under County responsibility. Inclusive of a 15% contingency applied to this amount (as required by the JPA) the County's responsibility for project costs increased from \$566,007.00 to \$1,996,170.58. This is \$1,430,163.58 in excess of the original amount provided for in the JPA. The bid packages for the project were reviewed and approved by the PWD, subject to the approval of the BCC and the CITT. In order to provide for the increased construction costs, PWD proposed the use of Surtax funds for the project. The project is included in the current pro forma and does not detract from available funds for other projects.

Some of the major factors contributing to the aforementioned increase in project costs include the following:

- The cost of construction materials has considerably escalated since the original engineer's cost estimate was made, almost two (2) years ago.
- The pavement category increased by \$539,166, including unforeseen costs pertaining to the soil conditions.
- Additional drainage requirements. The drainage category increased by \$247,522.
- Signalization improvements required by the Florida Department of Transportation (FDOT) and the County. The total cost of intersection improvements at Biscayne Boulevard inclusive of signalization is \$489,277.

The project has already been awarded by the City of Aventura. The anticipated completion date is September 20, 2007.



Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** June 5, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 8(P)(1)(C)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

06-05-07

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT IN THE AMOUNT OF \$1,430,163.58 BETWEEN MIAMI-DADE COUNTY AND THE CITY OF AVENTURA TO FUND CONSTRUCTION OF THE MIAMI GARDENS DRIVE CONNECTOR; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE THE PROVISIONS THEREIN

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, both the City of Aventura and Miami-Dade County wish to facilitate the construction of Miami Gardens Drive Connector,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves this amendment to the Joint Participation Agreement between Miami-Dade County and the City of Aventura , providing up to an additional \$1,430,163.58 to the City for eligible expenses incurred in this construction, in substantially the form attached hereto and made a part hereof; and authorizing the County Mayor or his designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of June, 2007. This resolution shall become effective as follows: (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission reaffirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Thomas Goldstein

RESOLUTION NO. 2007-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THAT CERTAIN FIRST AMENDMENT TO AGREEMENT, AS ATTACHED HERETO, BY AND BETWEEN THE CITY OF AVENTURA AND MIAMI-DADE COUNTY RELATING TO MIAMI GARDENS DRIVE CONNECTOR IMPROVEMENTS JOINT PARTICIPATION PROJECT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

**Section 1.** The City Manager is hereby authorized on behalf of the City to execute and otherwise enter into that certain First Amendment to Agreement, as attached hereto, by and between the City of Aventura and Miami-Dade County relating to Miami Gardens Drive Connector Improvements Joint Participation Project attached.

**Section 2.** The City Manager is hereby authorized to do all things necessary and expedient to carry out the aims of this Resolution.

**Section 3.** This Resolution shall become effective immediately upon adoption.

The foregoing resolution was offered by Commissioner Diamond, who moved its adoption. The motion was seconded by Commissioner Auerbach, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	yes
Commissioner Bob Diamond	yes
Commissioner Billy Joel	yes
Commissioner Michael Stern	absent from the room
Commissioner Luz Urbáez Weinberg	yes
Vice Mayor Harry Holzberg	yes
Mayor Susan Gottlieb	yes

PASSED AND ADOPTED this 6<sup>th</sup> day of February, 2007.

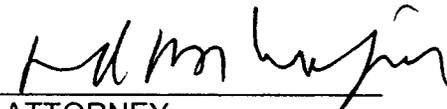
  
SUSAN GOTTLIEB, MAYOR

ATTEST:

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TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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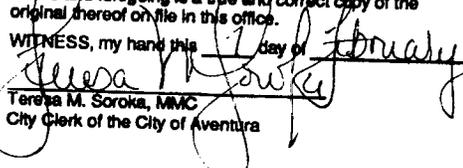
  
CITY ATTORNEY

EMS/tms

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I, TERESA M. SOROKA, MMC, City Clerk of the  
City of Aventura, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of the  
original thereof on file in this office.

WITNESS, my hand this 7 day of February, 2007.

  
Teresa M. Soroka, MMC  
City Clerk of the City of Aventura

**FIRST AMENDMENT TO AGREEMENT BETWEEN MIAMI-DADE COUNTY  
AND THE CITY OF AVENTURA**

This First Amendment to Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by and between Miami-Dade County, a political subdivision of the State of Florida, herein referred to as the "County", and the City of Aventura, a political subdivision of the State of Florida, herein referred to as the "City".

**WITNESSETH**

WHEREAS, pursuant to Resolution No. R-1030-05, approved by the Board of County Commissioners of Miami-Dade County, Florida, on September 8, 2005, the parties hereto entered into an Agreement to facilitate the construction of a road improvement project in Miami-Dade County, (the "Agreement") to provide for the construction of a new four-lane roadway to extend Miami Gardens Drive from Biscayne Boulevard to the western terminus of the property line of the Aventura Landings Development in Aventura, Miami-Dade County, as more particularly described in the Agreement (the "Project"); and

WHEREAS, Miami-Dade County and the Florida Department of Transportation have requested changes in the Project, including the construction of supplementary intersection and signalization improvements, and

WHEREAS, the cost of construction materials have considerably escalated since the original cost estimate for the Project was made over a year ago; and

WHEREAS, unforeseen conditions were encountered in geotechnical tests associated with the Project, which increased Project costs; and

WHEREAS, the Project costs the County is responsible to provide for now total \$1,996,170.58; an amount that is \$1,430,163.58 greater than the amount of \$566,077.00 originally provided for in the Agreement;

NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned Agreement:

Section 4. County Payments of Project Costs. The County agrees to provide funds in the amount of ~~\$566,007~~ \$1,996,170.58, for eligible expenses as defined herein, incurred for the construction of the Project. This amount includes the fifteen percent (15 %) contingency addressed in Section 3. The County shall incur no liability for any costs in excess of said funding amount unless there has been a duly authorized increase approved by the Board of County Commissioners.

The County funds available for this Project are specified below:

<u>Funding Amount</u>	<u>Funding Source</u>	<u>County Fiscal Year of Commitment</u>
\$566,007	Road Impact Fee District 3	2004-05
<u>\$1,430,163.58</u>	<u>Charter County Transit System Surtax Funds</u>	<u>2006-07</u>

Section 19. Citizens' Independent Transportation Trust Approval. Unless waived by action of the County, this Amendment shall only become effective upon approval by the Board of County Commissioners and the Citizens' Independent Transportation Trust (CITT) or, if not approved by the CITT, by the Board of County Commissioners reaffirmance of the award by 2/3 vote of its membership, all pursuant to the applicable ordinance. In the event the Amendment is not approved, the Amendment shall be null and void and be of no force or effect.

Section 20. People's Transportation Plan Project Signage. The County shall furnish and install a Project sign in each direction of traffic indicating that this Project is being funded by the People's Transportation Plan, in coordination with the City, in proximity to the start/end of the Project limits. Should MOT signage be required as part of the work, the Project sign shall be placed an appropriate distance before the MOT signage range. The Project signs shall remain in place for the duration of the work or as directed by the Project engineer.

Section 21. Public Involvement. The City will provide information to property owners, tenants, and area residents, including business signs, directional parking signs, and schedules for major work to be performed in the area.

In all other respects, except as herein amended, the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

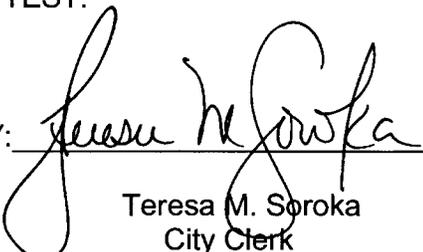
ATTEST:  
HARVEY RUVIN  
CLERK OF THE BOARD

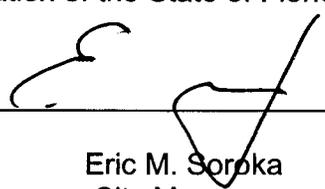
MIAMI-DADE COUNTY, FLORIDA,  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
County Manager

Approved by County Attorney  
as to form and legal sufficiency \_\_\_\_\_

ATTEST:  
BY:   
Teresa M. Soroka  
City Clerk

CITY OF AVENTURA, a municipal  
corporation of the State of Florida  
BY:   
Eric M. Soroka  
City Manager

(Affix City Seal)

Approved by City Attorney   
as to form and legal sufficiency \_\_\_\_\_